



Information Technology Industry Council  
Leading Policy for the Innovation Economy

February 14, 2012

**Submitted Electronically**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Comments of the Information Technology Industry Council (ITI) on  
American National Standards Institute Accredited Standards Committee  
C63 (ANSI ASC C63) Petition for FCC Rulemaking (RM No.11652) filed  
September 27, 2011, and subject of Public Notice Report No. 2944**

Dear Ms. Dortch:

The Information Technology Industry Council (ITI)<sup>1</sup> welcomes the opportunity to offer comment on the above referenced Petition for Rulemaking. ITI does not support the request from ANSI ASC C63 for the FCC to initiate a rulemaking proceeding to revise Sections 15.31 (a)(3) and 15.38 (b)(6) of the Commission's Rules as described in the reference petition from ANSI ASC C63.

In general, ITI agrees that the latest edition of applicable standards should be implemented with a reasonable transition period to allow manufacturers and importers time to comply when there is a compelling and valid reason to do so. In this case, ITI respectfully suggests a compelling and valid reason does not exist and requests the FCC to continue allowing ANSI C63.4-2003 to be used for demonstrating compliance with

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<sup>1</sup> A U.S. industry association, ITI represents the leading providers of information technology (IT) products and services. ITI is the voice of the high tech community, advocating policies that advance industry leadership in technology and innovation; open access to new and emerging markets; promote e-commerce expansion; protect consumer choice; and enhance the global competitiveness of its member companies.

Part 15 of the FCC Rules. Several of the changes introduced in the 2009 edition of ANSI C63.4 place undue burden on manufacturers of unintentional and intentional radiators without providing tangible improvement to protection of communication services from interference. These troublesome changes include the following:

- Prohibits the use of hybrid antennas currently used by 80% of test labs performing FCC authorization testing, according to an ITI estimate. The reasons given for not allowing this type of antenna are not necessarily true for all hybrid antennas in use and do not warrant a complete prohibition. This is reflected in the fact that a draft revision of C63.4 may allow the use of hybrid antennas under certain circumstances.
- Revised details of 2 dB rule make the testing of large and complex equipment impractical and unrealistically difficult.
- Referenced standards are now undated references, which would force immediate adoption of any revisions to those standards as soon as they are published with no transition period and without opportunity for discussion and comments through the FCC's normal rule making procedures.

Changes to the FCC Rules should be through the NPRM process and not automatic based on a non-FCC committee's actions. ITI respectfully suggests if the FCC is going to initiate any action aimed at updating or revising the test methods to be applied for demonstrating compliance with Part 15 of the rules, it should be done as part of a NPRM in which serious consideration is given to harmonizing with the rest of the world by adopting the test methods specified in CISPR 22 instead of continuing to apply ANSI C63.4. Continuing to specify a test standard that is applied only in the USA creates duplicate testing for manufacturers who market their products in the USA and other countries with interference-controlling regulations. It also has the potential to place US consumers at a disadvantage compared with consumers in the rest of the world by 1) increasing the cost of goods sold in the USA because of duplicate testing required only for the USA and 2) delaying introduction to the US marketplace of new and innovative products because of the additional time required for the unique testing requirements of ANSI C63.4.

ITI most strongly objects to the request for the Commission to accept the normative interpretations of the ANSI C63.4-2009, C63.10-2009 and C63.5-2006, which are maintained on the ASC C63 web site. Accepting these interpretations as de facto rules that must be applied to demonstrate compliance with the FCC's rules deprives all parties impacted by the rules the opportunity to comment on and participate in an important step of the formulating those very rules. From a procedural perspective, these interpretations are not even required to be approved by a majority of ANSI or C63 members. They can be issued unilaterally by the chair of C63. Additionally, requiring compliance with interpretations that are issued at random time intervals without any clear schedule would force any party testing equipment for compliance with the FCC

rules to monitor the ANSI ASC C63 web site for every test performed to ensure the rules have not changed since the previous day.

The issuance of a checklist relative to the 2003 and 2009 editions of ANSI C63.4 is not necessarily implicit recognition of confusion on the part of test laboratories. Checklists are used regularly in the process of lab accreditation and provide a practical method of assuring reasonable consistency by all persons operating as lab assessors. This claim by ANSI ASC C63 is presumptive and baseless.

The opinion that FCC's failure to stop allowing use of ANSI C63.4-2003 is a disincentive for ANSI ASC C63 to update standards could be taken as self-serving on the part of the organization that decided its standards need to be updated. ITI submits that the FCC's decision to allow test labs and equipment manufacturers the option of using either C63.4-2003 or C63.4-2009 and C63.10-2009 is an indication that the FCC agrees there is no compelling reason to force test labs and manufacturers to change, that the industry does not have a significant problem that needs to be fixed.

The items identified in Attachment A of the ANSI ASC C63 petition as "significant problems impacting compliance testing" are significant problems. These items are enhancements and, in some cases, add clarity compared with the former editions of ANSI C63.4, but they are not sufficient reason for eliminating the option of applying either the 2003 or the 2009 edition of the standard.

Thank you for your consideration of these comments on this issue of importance to the IT industry.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Rosenberg', with a stylized, cursive script.

Josh Rosenberg  
Director, Global Policy  
[jrosenberg@itic.org](mailto:jrosenberg@itic.org)